



MONTANA DEPARTMENT OF COMMERCE

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To: Licensed Nutritionist

From: Daniel C. Brooke, MD, President
Montana Board of Medical Examiners

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Subject: Licensure required for practice as Nutritionist in
Montana

The Board of Medical Examiners would like to take this opportunity to reacquaint you with the licensure law for Nutritionists in Montana. It is our hope that this will answer questions you may have concerning this law.

We are receiving quite a number of questions about who is allowed to practice individual nutrition counseling, consultation and assessment as a Nutritionist in our state. Montana licensure law states that a Nutritionist must be registered as a dietitian with the Commission on Dietetics (that is, a registered dietitians, or "RD") and have at least a bachelor's degree, as well as clinical work in dietetics. Please find included with this letter an explanation of the roles allowed to unlicensed persons such as certified dietary managers, diet aides, nutrition aides and other staff who may interview patients or residents.

A certified dietary manager cannot replace the Nutritionist (or RD) in making individual nutrition assessments and personal counseling. See enclosed explanation of licensure law.

We are asking surveyors to take a closer look at these concerns, as we have received complaints, and some professionals are expressing their concerns that certified dietary managers ("CDMs") are practicing as Nutritionists or RDs.

We would greatly appreciate your help in enforcing and explaining the licensure law to staff at the facilities you regulate, so we do not see a rise in complaints or disciplinary actions for unlicensed or unprofessional practice. Thank you.

LICENSURE FOR NUTRITIONISTS
IN THE
STATE OF MONTANA

The State of Montana requires by law that certain nutrition-related jobs and tasks may be performed only by licensed Nutritionists (also known as registered dietitians, or "RDs"). Unlicensed persons, such as certified dietary managers or trained dietary staff, may provide limited services in a facility, within the following guidelines and definitions.

Definitions of some aspects of clinical nutrition services:

1. "General nutrition information" means information on:
 - a. Principles of good nutrition
 - b. Foods to be included in a daily diet
 - c. The essential nutrients needed by the body
 - d. Recommended amounts of these nutrients
 - e. The action of these nutrients on the body
 - f. The effects of deficiencies in these nutrients; or
 - g. Foods and supplements that are good sources of essential nutrients
2. "Nutritional assessment" means the evaluation of nutritional needs of individuals and groups based on appropriate biochemical, anthropometric, physical and dietary data in order to determine nutrient needs and to recommend appropriate nutritional intake, including both enteral and parenteral nutrition.
3. "Nutrition counseling" means providing assistance and advice to individuals or groups in the selection of foods and other sources of nutrients to achieve appropriate nutritional intake based on:
 - a. The nutrition assessment
 - b. The composition of food and other sources of nutrients
 - c. Meal preparation consistent with cultural background and socioeconomic status

Tasks that can be performed by:

1. A licensed Nutritionist only:
 - a. Assessment of nutrition needs of individuals and groups, and determining resources and constraints in the practice setting
 - b. Establishing priorities and objectives that meet nutritive needs and are consistent with available resources and constraints
 - c. Providing nutrition counseling for any individual
 - d. Developing, implementing, and managing nutrition care systems of quality in food and nutrition services
2. A trained dietary person or certified dietary manager can:

- a. Find out a patient's food preference
 - b. Tell the person what good nutrition is, in general
 - c. Tell the person what the recommended daily allowances are for the person
 - d. Suggest foods and nourishments following the recommendations in the Diet Manual, for the person's specific diet order
 - e. Keep track of the person's food intake
 - f. Ensure that the person has a balanced diet within the limitations of the person's diet order
3. A trained dietary person or certified dietary manager cannot:
- a. Recommend a diet order
 - b. Recommend a calorie intake level
 - c. Recommend need for other nutrients
 - d. Recommend diet order changes
 - e. Establish nutrition goals for a patient/resident
 - f. Recommend discharge diet instruction

Any questions, doubts, or issues not covered above should be referred to the Nutritionist/RD.

Some questions that have arisen are:

1. Can only a licensed Nutritionist/RD write nutrition goals for care plans? What can a nurse or trained dietary person do in the absence of the Nutritionist/RD?

Answer: Yes, only the Nutritionist/RD can write nutrition goals for care plans. If the Nutritionist/RD is not able to attend the care plan meeting, she should have the goals written ahead of time. If a new patient is admitted in the absence of the Nutritionist/RD, the trained dietary person or certified dietary manager can gather information that will enable the Nutritionist/RD to write nutrition goals at her next visit to the facility. Trained dietary personnel or certified dietary managers can attend care plan meetings when the Nutritionist/RD is not present and gather information based on discussion with others present to forward to the Nutritionist/RD.

2. Can a trained dietary person or certified dietary manager give a diet instruction in the absence of the Nutritionist/RD?

Answer: If a physician orders a discharge diet instruction in the absence of the Nutritionist/RD, the trained dietary person or certified dietary manager can hand out a diet sheet previously approved by the Nutritionist/RD. The Nutritionist/RD is responsible for having handout sheets available based on the Diet Manual. The trained dietary person or dietary manager could document in the patient's or resident's record that such an instruction sheet was given to the patient or resident. In the case of combination,

calculated or other complicated diet instructions, the trained dietary person should arrange for the patient to communicate with the Nutritionist/RD by phone or make an appointment to see the Nutritionist/RD at a later date.

3. How much documentation in the medical record can a trained dietary person or certified dietary manager do?

Answer: A trained dietary person or certified dietary manager may record such information as seems relevant to the Nutritionist/RD. The Nutritionist/RD may request the dietary manager or trained dietary person to record simple observations such as percent food intake, food preferences, food substitutions in the diet order, discharge hand-outs given, etc. The dietary manager or trained dietary person may not write recommendations or evaluations of any sort. The Nutritionist/RD should review each entry by the dietary manager or trained dietary person and co-sign the entry in order to approve it.